

September 27, 2017

Maria Gonzalez  
Office of Regional Counsel  
U. S. EPA  
77 West Jackson Boulevard  
MC: (C-14J)  
Chicago, IL 60604

**Re: *Behr Dayton Superfund Site***

Dear Maria,

I am writing on behalf of MAHLE Behr Dayton L.L.C. (MAHLE) in response to U.S. EPA's request that MAHLE take over the lead in securing access from property owners near the MAHLE Behr Dayton plant identified by the Agency as needing VI sampling. As you know, after MAHLE received U.S. EPA's letter requesting this work, MAHLE and U.S. EPA have had several productive discussions regarding: 1) the issues and challenges posed by securing access for testing when dealing with a large number of residences in the local community, many of which involve an owner and a tenant; 2) identifying which specific residences should be included on the final list, and 3) if necessary, installing and operating vapor mitigation equipment. During the call between the MAHLE and U.S. EPA on August 16, 2017, MAHLE agreed to send a letter confirming its plans to move forward on the VI access and sampling question both in the short and long-term.

Based on the discussions with U.S. EPA, MAHLE agrees to take over the lead in securing access from the remaining property owners who failed to respond to U.S. EPA's access requests, except for those properties located in the area northeast of the MAHLE Plant, as presented to U.S. EPA during our August 8, 2017 meeting. The total number of properties for which access has not been granted from the Agency's list of 157 parcels as of about three weeks ago is approximately 130. Therefore, the list of approximately 130 properties would be reduced by the number of properties to the northeast of the current MAHLE plant.

MAHLE is prepared to proceed as follows: MAHLE will take over the lead in seeking access from the property owners who have not yet responded affirmatively to U.S.

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EPA's request by letter for access to conduct VI monitoring at their respective properties.

1. MAHLE will implement the Access Procedure set forth in the attachment to my September 25, 2017 e-mail to you, which shall constitute MAHLE's "best efforts" in accordance with the current U. S. EPA policy on same.
2. MAHLE has selected AECOM to implement the Access Procedure.
3. With respect to properties whose owners (and tenants, if applicable) have previously provided an executed Access Agreement to U.S. EPA or who grant access to MAHLE through AECOM's efforts going forward, MAHLE is prepared to conduct VI sampling, reporting, and, if the test results trigger the need for vapor mitigation equipment, MAHLE will proceed to install and monitor the equipment consistent with the 2009 UAO Work Plan.

With respect to PRP evidence issues, MAHLE has attached a brief summary updating the liability evidence to include the most recent groundwater data and vapor plume information implicating various current and former nearby industrial owners or operators for some of the companies who previously had been identified by either U.S. EPA or by MAHLE, as well as for some additional owners or operators which have recently been identified as Potentially Liable Parties based on recent groundwater and vapor data.

Finally, MAHLE renews its request that U.S. EPA specifically invite other Potentially Responsible Parties (PRPs) to undertake the access, testing and vapor mitigation efforts at locations where known groundwater plumes containing VOCs are present in concentrations triggering a concern about potential vapor exposure, particularly with TCE and PCE. MAHLE stands ready to immediately contact those PRPs to coordinate our respective efforts once U.S. EPA transmits the notices.

MAHLE fully intends to continue its long-standing cooperation with U.S. EPA at this site. MAHLE remains committed to working with US EPA cooperatively and hopes that our recent meeting and calls allow us to move forward productively. We also look forward to restoring our more frequent communications in order to ensure we do not miss out on any important information relevant to our respective efforts at the site.

Please do not hesitate to contact me should you have any questions or comments on MAHLE's proposal.

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Very truly yours,

HONIGMAN MILLER SCHWARTZ AND COHN LLP

/s/

Steven C. Nadeau

cc: Erik Hardin, U.S. EPA RPM  
Angelique Strong Marks, MAHLE General Counsel and Secretary  
Charles Zehme, MAHLE  
Bill Huston, MAHLE  
Phil Lawrence, MAHLE  
Jim Hunt, MAHLE  
Ron Roelker, AECOM